



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 2, 2006 **REPORT NO. PC-06-268**

ATTENTION: Planning Commission, Agenda of November 9, 2006

SUBJECT: 4303 MENTONE TENTATIVE MAP - PROJECT NO. 86201
PROCESS FOUR

OWNER/ APPLICANT: Tim Williams, Mentone Condos, LLC.

SUMMARY

Issue(s): Should the Planning Commission approve a Tentative Map for the conversion of 7 existing residential units into condominiums, and waive the requirement to underground existing overhead utilities at 4303 Mentone Street, within the Peninsula Community Plan?

Staff Recommendation:

1. APPROVE Tentative Map No. 276448; and
2. APPROVE waiver to the requirement to underground existing overhead utilities.

Community Planning Group Recommendation: The Peninsula Community Planning Group voted 7-3-0 to recommend approval of the proposed project on March 20, 2006 with no conditions (Attachment 7).

Environmental Review: This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19 Section 15301 on October 27, 2005. An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on July 31, 2006. The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action.

Housing Impact Statement: The proposed project is the conversion of seven existing apartment units to condominiums. There would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on October 25, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

BACKGROUND

This Tentative Map project is subject to the condominium conversion regulations in effect prior to June 13, 2006, based on the adoption language for new condominium conversion regulations, wherein, the City Council specifically excluded all projects that had CEQA appeals pending on or before June 13, 2006. This project is one of those which had a pending appeal. The appeal hearing was held on July 31, 2006, and the City Council denied the appeal of the CEQA determination of exemption. Therefore, the project now can proceed to a discretionary hearing.

The developed 6,256 square foot (0.14-acre) site is located at 4303 Mentone Street (Attachment 1), at the southwest corner of Mentone Street and Camulos Street, between Clovis Street and Camulos Street. The site is within the Loma Alta neighborhood of the Peninsula Community Plan and Local Coastal Program (Attachment 3), in the RM-3-7 Zone, Airport Approach Overlay Zone, Airport Environs Overlay Zone, and Council District 2. The Peninsula Community Plan designates the site for residential development at a density of 30-44 du/ac. The surrounding area contains multi-family and single family development. The units were constructed in 1969 as a two-story apartment building at a density of 7 units on 0.14 acres or 49 du/ac.

DISCUSSION

Project Description: This project is a request for a Tentative Map for the subdivision of a 0.14-acre site to convert seven existing residential units to seven condominium units (Attachment 5), which will allow the sale of each unit. Additionally, the applicant is requesting a waiver from the requirement to underground the existing overhead utilities adjacent to the project site.

The project consists of three, two-bedroom units (ranging from 875 – 1,500 square feet each), and four, one-bedroom units (800 square feet each) in a two-story, 6,525 square-foot building built in 1969 with a total of 6,525 square feet of living area. Current parking requirements for the project, if constructed today, would be 12 spaces. The project was constructed with, and proposes to maintain seven parking spaces. The development complied with the zoning and development regulations in effect at the time of construction and no zoning or code violations have been recorded against the property. The project has established previously conforming rights. No new construction or grading will take place under Tentative Map No. 276448. Section §125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to San Diego Municipal Code Section §125.0440, Findings for Tentative Maps for Condominium Conversion, the decision maker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium project if the decision maker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has

reviewed the proposed condominium conversion, and determined that it complies with both the Subdivision Map Act and the Municipal Code.

A Final Map is required to consolidate the existing two lots into one lot and to subdivide the ownership interest as a condition of the tentative map.

Project-Related Issues:

Municipal Code Conformance – The site is a flat 6,256-square-foot, rectangular lot which is currently zoned RM-3-7, a multiple unit residential zone permitting one unit per 1,000-square-foot of lot area. The zone was applied in January 2000. The existing improvements were constructed in 1969. At the time the site was constructed it was zoned R-4 and would have allowed for 16 units, or 1 unit for every 400 square feet of lot area. Under the current RM-3-7 zone, only six units could be constructed on the site. The site is developed with seven residential units within one-structure, including three-two-bedroom units for a total of 3,325 square-feet of living area, and four-one-bedroom units for a total of 3,200 square-feet of living area. The site deviates from current density and parking criteria. However, the development complied with the zoning and development regulations in effect at the time of construction. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1 of the Land Development Code.

Airport Environs Overlay Zone (AEOZ) - The project site is within the Airport Environs Overlay Zone (AEOZ) and within the 65 decibel (dB) Community Noise Equivalent Level (CNEL) for Lindbergh Field operations. As a permit condition, and to be conditionally compatible with the Comprehensive Land Use Plan (CLUP), an Avigation Easement shall be granted to the airport operator.

Airport Approach Overlay Zone (AAOZ) - The project site is within the Airport Approach Overlay Zone (AEOZ) for Lindbergh Field operations. Pursuant to SDMC Section §132.0202, structures less than 30 feet high are exempt from further requirements of the AAOZ.

Undergrounding Waiver Request - There are power poles and overhead utilities lines in the alley right-of-way to the rear, which serve the subject property as well as adjacent properties in the neighborhood. Service to the site is provided via an overhead utility line that extends from a pole located across the alley adjacent to the southwest corner of the property.

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility. The project site is located within Block 2G and a date for the undergrounding has not been determined by City Council (Attachment 10).

The applicant will be required to underground all existing on-site utilities per Condition No. 15 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 16 of the draft Tentative Map resolution (Attachment 6).

Affordable Housing – All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding Inclusionary housing and tenant relocation benefits. This proposed project was Deemed Complete on October 25, 2005, and is therefore subject to these new regulations.

The project has been conditioned to require the subdivider to conform with the City's Inclusionary Affordable Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

The applicant has elected to pay an in-lieu fee of \$8,156.00 (6,525 square feet x \$1.25) to satisfy the Inclusionary Housing requirement, as allowed by the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code).

In order to comply with the relocation requirements of the condo conversion ordinance, the Housing Commission will send the applicant a tenant roster to complete and return to the Housing Commission to determine the income levels of the current tenants. All tenants whose income is less than 100% of the area median income are eligible for relocation benefits, so based upon the outcome of the survey; the applicant may be responsible for relocation benefits.

Noticing – California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section §66427.1 and San Diego Municipal Code Sections §125.0431 and §125.0640). The applicant has certified that the required 60-day Notice of Intent to Convert to Condominiums was provided to the tenants on September 10, 2005 (Attachment 11).

Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each lease 72-hours (three calendar days) prior to the Public Hearing. This requirement will be fulfilled on or before November 6, 2006.

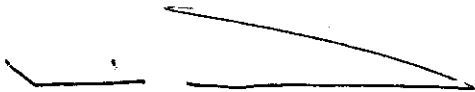
Conclusion:

Staff has reviewed the request for a Tentative Map for the conversion of seven residential units into condominiums and the request to waive the requirements to underground existing overhead utilities and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps, and Council Policy 600-25. Staff believes that the required findings can be supported and recommends the Planning Commission approve the project as proposed.

ALTERNATIVE IF MORE THAN ONE ALTERNATIVE EXISTS, USE ALTERNATIVE "S"

1. **Approve** Tentative Map No. 276448, **with modifications.**
2. **Deny** Tentative Map No. 276448, **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Laila Iskandar
Project Manager
Development Services Department

WESTLAKE/MIS

Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 2G
11. Sample of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations